

**Notice of Allowability**

Application No.

10/654,363

Examiner

Yong Chu

Applicant(s)

KIMURA ET AL.

Art Unit

1626

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/20/2003.
2. ☒ The allowed claim(s) is/are 1 and 3.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>10/20/2003</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                 | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

Claims 2, and 4-13 are cancelled by amendment filed on 2 September 2003. Claim 1 is amended by amendment filed on 2 September 2003. Therefore, claims 1, and 3 are currently pending in the instant application.

### ***Information Disclosure Statement***

Applicant's Information Disclosure Statements, filed on 20 October 2003, have been considered. Please refer to Applicant's copies of the PTO-1449 submitted herewith.

### ***Priority***

This application is a Divisional Application of U.S. Patent 6,642,380, filed on 23 March 2000. Applicants claim the benefit of Japan Patent Application 11-81666, 11-284107 filed on 25 March 1999 and, 5 October 1999 respectively.

### ***Response to Amendment***

The Supplementary Amendment by Applicants' representative Janina A. Malone dated on 2 September 2003 has been entered.

### ***Examiner's amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

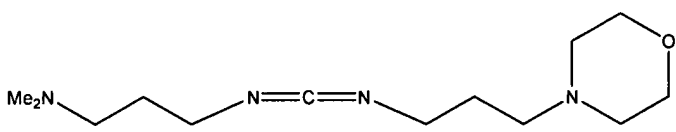
Delete claim 19 of the supplementary amendment.

In claim 1 of the supplementary amendment, delete “-(CH<sub>3</sub>)<sub>p</sub>-(L)<sub>r</sub>-(CH<sub>2</sub>)<sub>q</sub>” in line 21, and insert -- (CH<sub>2</sub>)<sub>p</sub>-(L)<sub>r</sub>-(CH<sub>2</sub>)<sub>q</sub> --.

### ***Reasons for Allowance***

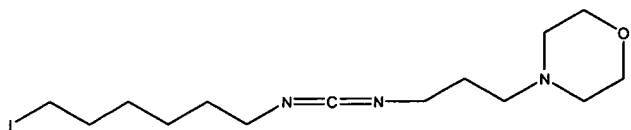
The present invention is directed to a fluorescent group-containing carbodiimide compound precursor having a halogen atom or a sulfonic acid group. It is a divisional patent application of U.S. Patent 6,642,380, which claims final products of fluorescent group-containing carbodiimide compounds. The invention is clear from prior art. The closest prior arts of record are U.S. Patent 5,856,479 (Suzuki *et al.*), and U.S. Patent 3,754,032 (Tomalia *et al.*).

U.S. Patent 5,856,479 (Suzuki *et al.*) discloses a dimethylamino- substituted

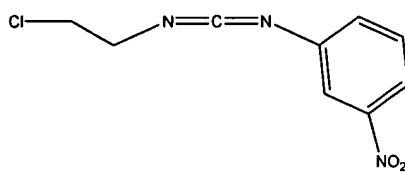
carbodiimide compound , which is

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patentably distinct from halo-substituted carbodiimide



U.S. Patent 3,754,032 (Tomalia *et al.*) discloses a chloro, and phenyl substituted



carbodiimide compound

instant application.

Therefore, claims 1, and 3 are allowed.

### ***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Chu whose telephone number is 571-272-5759.

The examiner can normally be reached on 7:00 am - 3:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

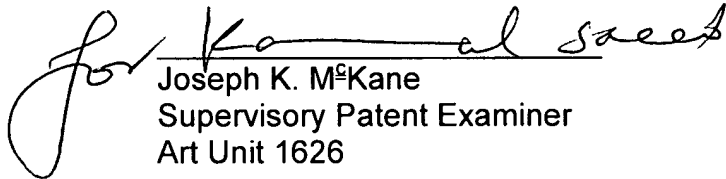
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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KAMAL A. SAEED, PH.D.  
PRIMARY EXAMINER



Joseph K. McKane  
Supervisory Patent Examiner  
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